

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bruce A. Fogelson Art Unit: 3688  
Serial No.: 09/885,970  
Filed: June 21, 2001  
For: METHOD AND SYSTEM FOR CREATING ADVERTISING BOOKS  
Attorney Docket No.: 80216

DECLARATION OF LORI O. FOGELSON

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Lori O. Fogelson, am the wife of the named inventor in the above-identified application and make the following statements based upon my own personal knowledge and experience do make this additional DECLARATION as of this date signed hereto below

- (1) My date of birth is September 26, 1962. I have a bachelors degree from University of Arizona and have worked primarily as an annalist within the real estate industry for over 25 years. I have skills in personal computers and the internet and such systems as the Realtor's Multiple Listing Service, as well as basic programs or "macro-programs" in order to make my own work-tasks more automated or easy to replicate. My computer skills in my fields and for general use are at very least proficient and in some fields they are skilled.
- (2) I have been married to Bruce A. Fogelson since June, 1988. We reside in Chicago Illinois and have a family. I have been gainfully employed virtually my entire adult life and have been a trusted employee with my current employer for over 20 years. We have three sons.

- (3) I, and my family are reasonably charitable financially as well as with my time and energy I have used my computer skills as a volunteer for my local school-based or community group I, along with my family, friends and employers have been involved in charitable or not-for-profit groups or causes since before 1999.
- (4) I have, over many years, including prior to 1999 attended charitable events which feature some form of program-book or charity ad-book and I am thus very familiar with the term "ad-book" which I take to mean a book or collection of donations which sponsor or feature congratulations, praise, and or similar laudable statements for a given charity or not-for-profit group. These general term "ad-book" I have taken to mean the type of "book" or collection of donation or charitable statements or "ads" within the not-for-profit world, and not, by contrast any commercial or advertising book.
- (5) My family and I have been successfully involved in the real estate and building industry. My and our success has afforded me and us the privilege of being generous financially and with time, expertise and leadership to schools, not-for-profits, charity and faith-based and numerous other types of organizations in many ways, including but not limited to children's school and our children's school's charity "charity ad-book".
- (6) I and my husband, Bruce Fogelson, each in our own separate ways, have been members of charitable groups since before 1999 and have been associated with "charity ad-books" as a donor or soliciting group member for some years including prior to 1999, and, as best as I can recall, to as far back as the mid 1990s. It is my understanding that an "ad-book" is synonymous with or similar to other charity books, programs, directories and guide books used for fundraising for local not-for-profit groups, often in conjunction with events such as a dinner, outing, stage-production, or event, used as a way to help raise

money from members and affiliates for the not-for-profit purposes of the group, as opposed to a general publication with the primarily commercial advertising or such other books, such as coupon-books, or trade journals or general circulation book or publications such as a newspapers.

- (7) I am well read and currently familiar with the concept of paper print books or novels being converted to electronic books but have had no knowledge of or experience with fiction, novels, text-books or trade books being converted to an electronic format before the year 2003 at the earliest. I have no recollection of any advertisements placed or interlineated in to electronic books in any fashion, including by key-word or topical association. It is my experience that "charity ad-books" are un-like a book or electronic book or novel with advertisements (aka ad's) inserted into otherwise independent literary or original content such as a novel prose, or other type or magazine, text, reference or entertainment book. And, by contrast to a typical book of literary or other independent content, there is no other litany or material content to what we commonly refer to as a "charity ad-book" or simply "ad-books". The simple and obvious exception is content in a "charity ad-book" which is associated with the charity or not-for-profit group such as a dinner program, stage production, outing, or similar charity event associated with the group and or the group's event or purposes. A "charity ad book" or "ad book" is not, but may be more aptly called a book of charity messages.
- (8) I would contend that donors to a "charity ad book" have a similar donor's intent to one who would donate money to a capital campaign for contribution such as a building fund of a private school, hospital, library or institution to gain the recognition of having the their donor's name posted in or on the new building on a plaque brick or the naming rights of naming in the honor of a family member or honoree. It is obviously to me that donations to a charity "ad book" are similar, but lesser in scale permanence, and

prominence and the medium is in print.

- (9) My children did and or do attend the Bernard Zell Anshe Emmet Day School (BZAEDS) located in Chicago Illinois. For many years BZAEDS has raised funds to help send its' 8<sup>th</sup> grade class for an annual trip to Israel. The BZAEDS 8<sup>th</sup> grade puts on a live theoretical production featuring the students for the parents, family and friends as a fund-raiser. In conjunction with the presentation, the class uses the stage-bill as an "ad-book" for fundraising purposes. The stage-bill / "ad-book".
- (10) The BZAEDS school charity student fundraiser (BZ Ad Book) was solicited to and by me for and among the BZAEDS community of family, namely my friends, children and parents for it's not-for-profit purposes. The forms typically used for this BZ Ad Book seem to me to be typical of this type of operation. A typical Samples of these forms are titled "Playbill Ad Book Order Form" for the year 2006 which was in conjunction with a school-play or "operetta" and is attached hereto as Exhibit A.
- (11) The BZ Ad Book for 2008 was featured in the school play production of "the 2008 Morton Reisman Eighth Grade Operetta of High School Musical On stage" which played to in the School's Community Hall in March 2008 and represented a typical example of the years of similar productions and accompanying BZ Ad Books. The attached excerpts are a representative sample from the community BZ Ad Book for 2008 attached as Exhibit B. The attached excerpts from the AZ Ad Book in Exhibit B include:
  - a. A message to the class of 2008 with heartfelt admiration from the Head of School.
  - b. Greetings and salutations from community leaders and teachers.
  - c. Page 32 listing of the 51 years of music-theatre that represent the history of this type of event, each one of which would most likely have featured a "charity ad book" with or as a part of its' show program for the event.

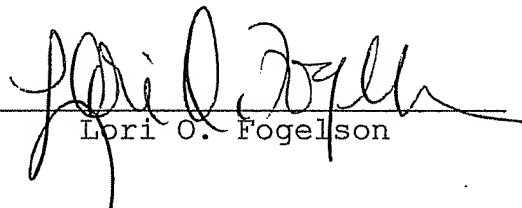
- d. Page 33 began "showstoppers" which preceded the to list the student-cast of the musical production for the benefit of the group, family and friends. These cast-members where, in effect, the honorees of this charity ad-book and also the beneficiaries, since the purpose of the event was to raise money for the school trip.
- e. Pages #192 and #193, 113, 112, and others were paid for by me and or my family in support of the school and our son, Mitch.

- (12) In Exhibit B, the "ad" featured on page 113 was dedicated to Mitch Fogelson, son me and of Bruce A. Fogelson (the inventor/applicant) by solicited by me to my parents Norman and Francis Ochstein, grand parents of Mitch, who was featured in the 2008 stage production to raise funds for a school trip to Israel. There was no commercial intent in this "ad" and the ad was placed strictly as a statement of affection for Mitch and support for us and the group and its members, including Mitch, who was a member. The full-page ad featured prominently in the BZ Ad Book and toward the front due to its greater expense.
- (13) An example such as the stage-bill like "ad book" which was for any one of the BZAEDS school plays start with the core-content of their "ads" or messages of support. These "ad-messages" and such "ad-books" do NOT start with a book or novel, and then add or insert ad's into the narrative or content, but start with the needs for solicitations and, taken together, are organized in order of their fund-raising purpose or priority and combined to comprise a book of such "ad" like laudable statements.
- (14) I can attest that the majority, if not the vast majority of "ads" in the "ad-books" I am familiar with seem to me to be by people and companies or anonymously who placed these ads in the ad-book with the knowing intent that the "ads" or messages were for not-for-profit, charity or political purposes and that these donor/advertisers were not solicited from the general public, but were members, sponsors or

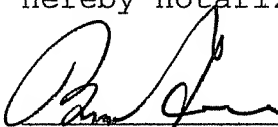
supporters of the group or groups members or affiliates who were solicited from the group.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

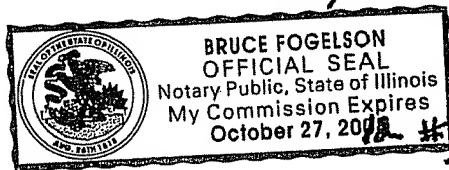
Date: March 15, 2009

  
Lori O. Fogelson

The above signed Lori O. Fogelson  
is known to me and I hereby notarize:

Notary Public: 

Date: 3.15 2009



#519621

Exhibit A

A

# The Eighth Grade Class of Bernard Zell Anshe Emet Day School 2006 Morton Reisman Operetta – *Oliver!*

## \*\*\*PLAYBILL - AD BOOK ORDER FORM\*\*\*

Ad Size	Approximate Print Area	Price
Business Card	Standard Size	\$75
¼ page	4½" x 1¾" (Horizontal)	\$75
¼ page	2⅛" x 3⅝" (Vertical)	\$75
Half page	4½" x 3⅝"	\$125
Full page	4½" x 7½"	\$250
<b>Special Full Page GLOSSY</b>	4½" x 7½"	\$500
<b>Special Two-Page Spread GLOSSY</b>	9" x 7½"	\$850
Inside Front Cover *	4½" x 7½"	\$1,500
Inside Back Cover *	4½" x 7½"	\$1,500
Outside Back Cover - <b>COLOR GLOSSY*</b>	4½" x 7½"	\$3000

\*Based on availability

**Playbill - Ad Book is 8 ½"H x 5 ½"W with BLACK & WHITE pages. Use one order form per ad.**  
**Make checks payable to: BZAEDS.**

Size of Ad \_\_\_\_\_ Amount Enclosed \$ \_\_\_\_\_ Check # \_\_\_\_\_

☐ Ad design/copy enclosed or  
email to [Earthmomma2@comcast.net](mailto:Earthmomma2@comcast.net) or [Sharidavis1@comcast.net](mailto:Sharidavis1@comcast.net)

☐ Please design my ad using attached information

Remember to include your ad copy/layout, business card, or photo -- or ask our design team to produce your ad.

***Give one copy to the advertiser. Submit one copy with check.***

Ad solicited by (please print) \_\_\_\_\_ Phone # \_\_\_\_\_

**AD FOR:** Name \_\_\_\_\_ Company \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

**Questions?** Contact Shari Davis at 773.539.5422, [Sharidavis1@comcast.net](mailto:Sharidavis1@comcast.net)

Forward materials and payment to:  
Operetta PLAYBILL 2006 – c/o BZAEDS  
3751 North Broadway  
Chicago, IL 60613

**or**

Drop in box on Kim Houston's desk  
Operetta PLAYBILL 2006  
School main lobby  
(extra copies of this form are there, too!)

**DEADLINE FOR AD SPACE AND MATERIALS IS FRIDAY, FEBRUARY 10, 2006 -- THANK YOU!!!**



Exhibit B

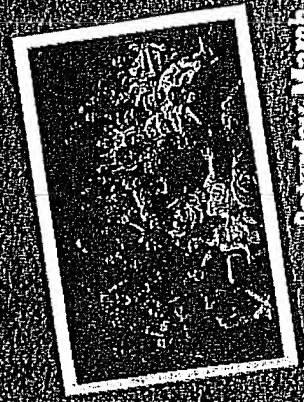
B

STRAEDS ON BROADWAY PRESENT

EAST HIGH SCHOOL

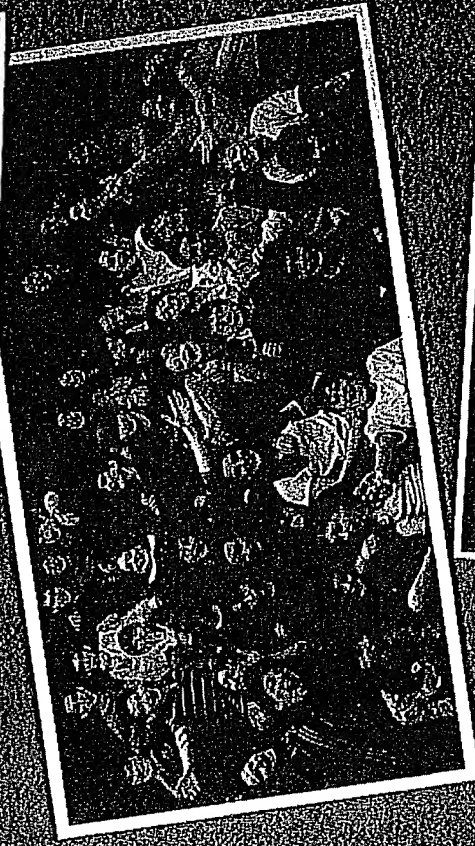
Disney  
**HIGH SCHOOL  
MUSICAL**

**ON STAGE!**



Saturday, March 29, 2008 8:30pm  
Sunday, March 30, 2008 2:30pm  
ELGIN COMMUNITY HALL

Bernard Zell Anshe Eifer Day School - Operetta Playbill 2008

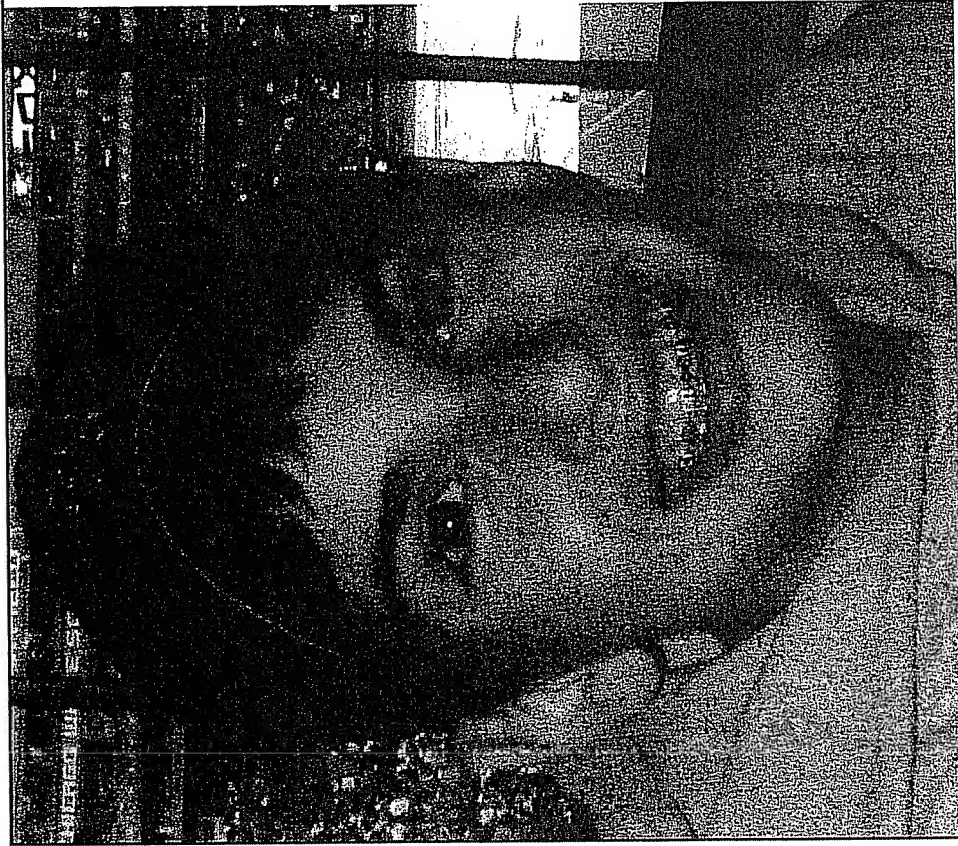


2008



HIP HOP HOORAY!

Exhibit "B" Excerpts.

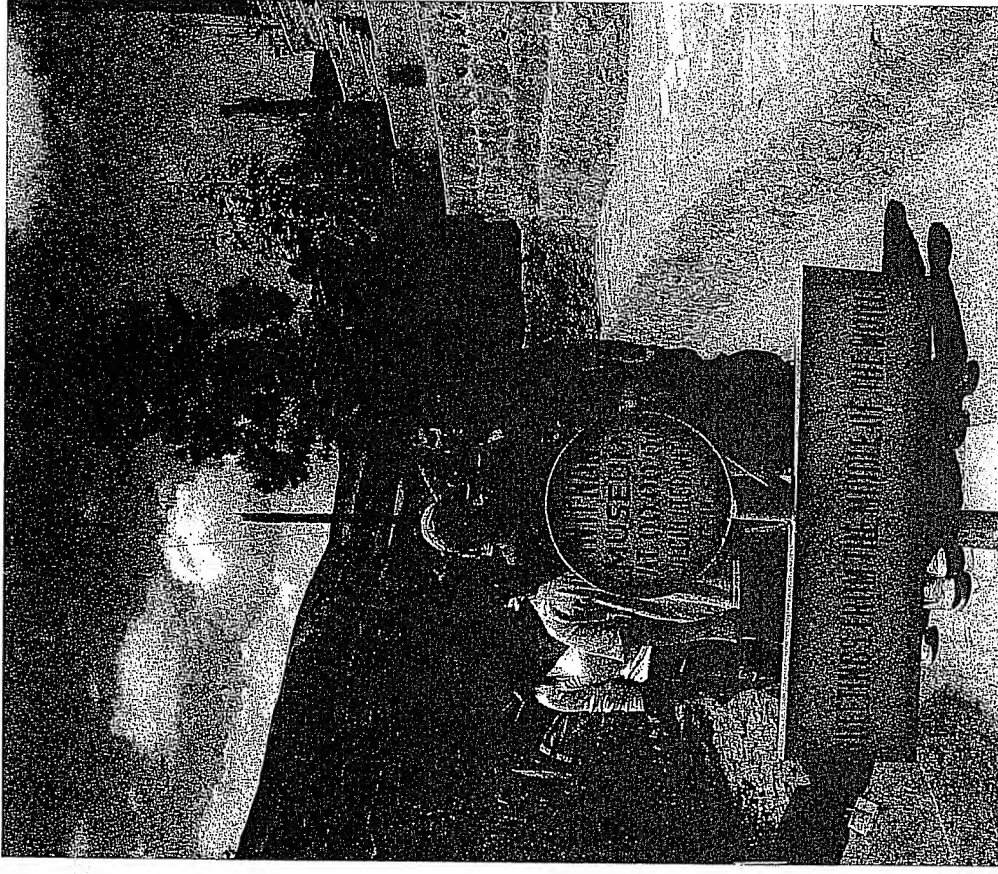


Top 5 reasons why I will miss BZAEDS:

- 5) Operetta
- 4) 8th Grade Trip to Israel
- 3) Amazing Parents
- 2) Fabulous Teachers
- 1) The Best Community

Thank you BZAEDS for these incredible years of my life.

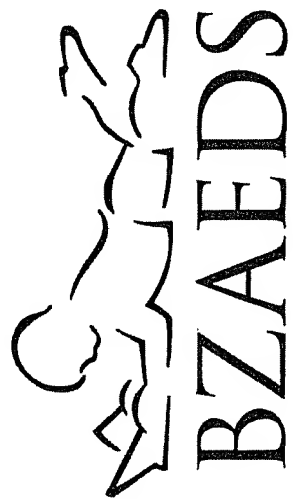
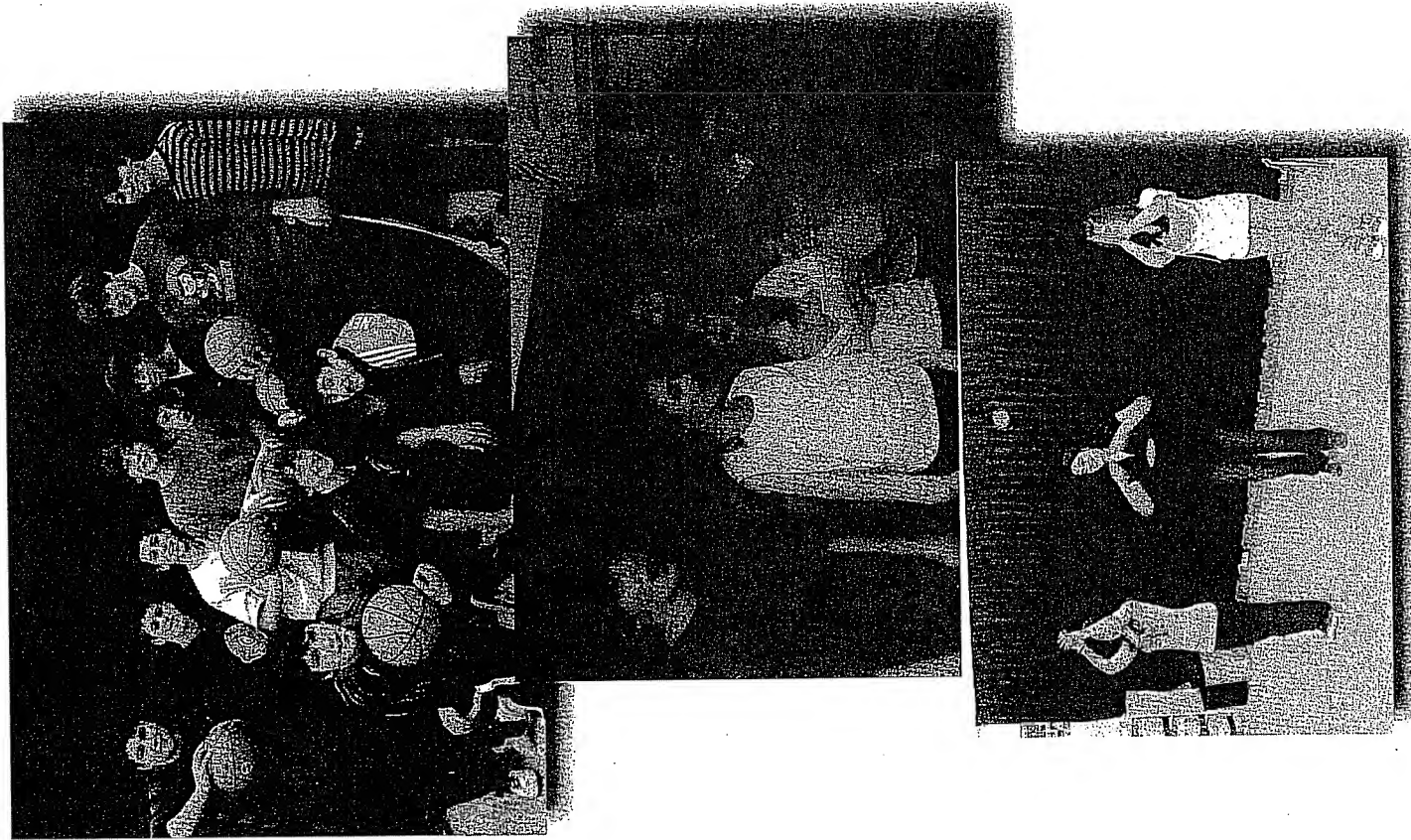
Mitchell Fogelson  
Class of 2008



Mitch,  
You make us proud every day.  
Mazel Tov in The High School Musical.  
Have fun in Israel!

We love you Mitch.  
Mom, Dad, Zach and Aaron

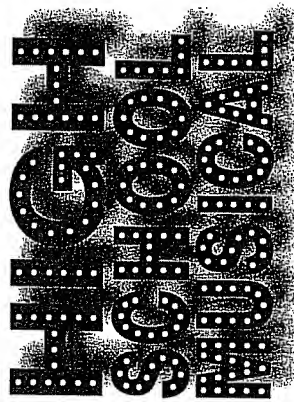




ושנתם לבניך

On behalf of the Board of Trustees of the  
Bernard Zell Anshe Emet Day School:

Congratulations to the  
Graduating Class of 2008,  
their teachers and administrators  
for a marvelous production of



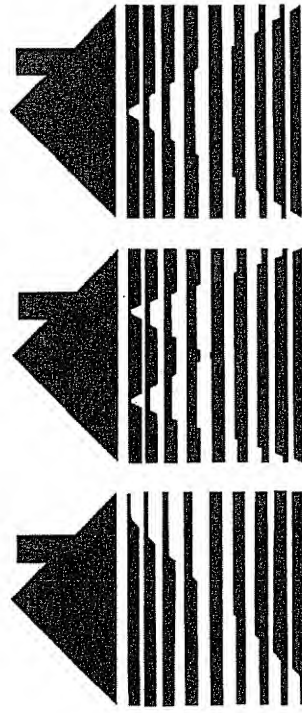
Mazel Tov

Michael Lufano  
Chairman, The Board of Trustees of the  
Bernard Zell Anshe Emet Day School

Mazel Tov Mitch

and the

BZAEDS Class of 2008



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"Building Neighborhoods &

Turning Buyers into Neighbors™

MITCHEL, WE ARE SO  
PROUD OF YOU!

WE LOVE YOU!

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OGHISTEN

Id.

scriptions and fashion wear,

reexaminations by appointment,

ness

@ our customers.

47 East Oak Street

312.944.6876

900 North Michigan Avenue

312.751.0073

Chicago, Illinois 60611

Congratulations  
to the cast of

High School Musical

You have all  
done a  
great job!

Best Wishes,

Congressman Rahm Emanuel  
of the 5th District of Illinois

**SHELBY,**  
**TO THE "4TH**  
**PUCKER"...**  
**BREAK A LEG.**

**BIG LOVE,**  
**MAGGIE**

We knew you  
could ski...

We knew you  
could surf...

...but sing???

We love our  
talented nephew!

Aunt Claudia,  
Uncle Tim,  
Camille,  
Charlotte,  
and Billy

